

NOTICE: Agenda posted on the front door of City Hall and on the bulletin board in the lobby of City Hall at 5:00 P.M., Friday, April 13, 2018.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, APRIL 17, 2018

7:30 P.M.

MEMBERS PRESENT:	KP Westmoreland	Mayor
	Curtis Moore	Councilmember
	Paul Todd	Councilmember
	Arlita Harris	Councilmember
	Steve Palmer	Councilmember
	John Herren	Councilmember
	Robert McCutchen	Councilmember
	Phill Shirey	Councilmember
	Jeff Knapp	Councilmember

OTHERS PRESENT:	Steve Harzman	Assistant City Manager
	David Davis	City Attorney
	Steve Katen	City Engineer
	Amanda McCellon	Community Dev. Dir.
	Susan Tate	City Clerk
	(See Roster)	

Mayor Westmoreland called the Bethany City Council meeting to order at 7:30 P.M.

The Flag Salute was conducted by Steve Harzman, Assistant City Manager.

The Invocation was given by Councilmember Harris.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. Approval of Minutes from the April 3, 2018 Regular Meeting.
- B. Approval of Minutes from the April 3, 2018 Special Called Meeting.
- C. Approval of Claims.
- D. Acceptance of Municipal Court Report.

Motion was made by Councilmember Palmer, seconded by Councilmember Todd to approve the consent docket as submitted. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 2 on the agenda was **APPROVAL OF ORDINANCE NO. 1956 AMENDING SECTION 132.050 OF THE BETHANY MUNICIPAL CODE TO REGULATE THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS.**

A. APPROVAL OF ORDINANCE NO. 1956 ON READING BY TITLE ONLY.

Motion was made by Councilmember Shirey, seconded by Councilmember Moore to approve Ordinance No. 1956 on reading by title only. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

Amanda McCellon, Community Development Director presented the staff report. Josh Trope, City County Health Department answered questions. Chief Cole answered questions.

B. APPROVAL OF SECTIONS 1-3 OF ORDINANCE NO. 1956.

Motion was made by Councilmember Palmer, seconded by Councilmember Knapp to approve sections 1-3 of Ordinance No. 1956. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

C. APPROVAL OF SECTION 4 OF ORDINANCE NO. 1956, THE EMERGENCY SECTION.

Failed for lack of motion.

ITEM NO. 3 on the agenda was **APPROVAL OF JURISDICTIONAL AGREEMENT BETWEEN BETHANY POLICE AND PUTNAM CITY CAMPUS POLICE.**

Chief Phil Cole addressed the Council and answered question.

Motion was made by Councilmember Moore, seconded by Councilmember Todd to approve agreement Jurisdictional Agreement between Bethany Police and Putnam City Campus Police. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Knapp, Shirey. Motion passed.

ITEM NO. 4 on the agenda was ADOPTION OF RESOLUTION NO. 1504 APPROVING A WATER CONSERVATION POLICY/SCHEDULE AND DIRECTING THE CITY MANAGER TO IMPLEMENT THE WATER CONSERVATION SCHEDULE AS REQUIRED. (TABLED AT THE 04/03/2018 REGULAR MEETING)

Motion was made by Councilmember Todd, seconded by Councilmember Shirey to adopt Resolution No. 1504 approving a water conservation policy/schedule, directing the City Manager to implement the water conservation schedule as required and placing schedule into affect June 1st 2018. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 5 on the agenda was APPROVAL OF RIGHT-OF-WAY AGREEMENT WITH MCL METRO ACCESS TRANSMISSION SERVICES CORP. DBA VERIZON ACCESS TRANSMISSION SERVICES. (TABLED AT THE 04/03/2018 REGULAR MEETING).

Motion was made by Councilmember Shirey, seconded by Councilmember Moore to approve Right-of-Way Agreement with MCL Metro Access Transmission Services Corp. DBA Verizon Access Transmission Services. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Knapp, Shirey. Motion passed.

ITEM NO. 6 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF A PROPOSED LIBRARY CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$25,000 FOR INSTALLATION OF SLEEVING UNDER PARKING LOT FOR ELECTRICAL CONNECTION FOR LIGHTS.

Item withdrawn by Mayor Westmoreland, Steve Katen, City Engineer explained the reason Item No. 6 was withdrawn from the agenda.

ITEM NO. 7 on the agenda was **PROPOSED EXECUTIVE SESSION:**
DISCUSSION WITH CITY ATTORNEY CONCERNING INVESTIGATION OF ALLEGATIONS OF HARASSMENT OF CITY EMPLOYEES AND TO DISCUSS AUTHORIZATION OF AN INVESTIGATION INTO THE ALLEGATIONS; FURTHER TO DISCUSS THE APPOINTMENT OF AN ACTING CITY MANAGER AND THE CONTINUED SERVICE OF JON ROBINSON AS ACTING CITY MANAGER ALL AS AUTHORIZED UNDER 25 OKLAHOMA STATUTES SECTION 307B1 PROVIDING FOR DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE AND SECTION 307B4 PROVIDING FOR CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND IS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM, OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST.

ITEM NO. 8 on the agenda was **PROPOSED EXECUTIVE SESSION:**
DISCUSSION WITH CITY ATTORNEY OF PENDING LITIGATION IN TIMBER RIDGE Vs. CITY OF BETHANY CV-2018-710 OKLAHOMA COUNTY AS AUTHORIZED BY OKLAHOMA OPEN MEETING ACT, 25 OKSTAT. 307B4 PROVIDING FOR CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM, OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST.

ITEM NO. 9 on the agenda was **PROPOSED EXECUTIVE SESSION:**
DISCUSSION OF APPROPRIATION OF FUNDS FOR TRANSFER TO BETHANY ECONOMIC DEVELOPMENT AUTHORITY FOR PURPOSES OF PURCHASING REAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES AS AUTHORIZED BY OKLAHOMA OPEN MEETING ACT, 25 OK STATUTES SECTION 307C10 WHICH ALLOWS EXECUTIVE SESSIONS FOR PURPOSES OF CONFERRING ON MATTERS PERTAINING TO ECONOMIC DEVELOPMENT, INCLUDING THE TRANSFER OF PROPERTY, FINANCING, OR THE CREATION OF A PROPOSAL TO ENTICE A BUSINESS TO REMAIN OR TO LOCATE WITHIN THEIR JURISDICTION IF PUBLIC DISCLOSURE OF THE MATTER DISCUSSED WOULD INTERFERE WITH THE DEVELOPMENT OF PRODUCTS OR SERVICES OR IF PUBLIC DISCLOSURE WOULD VIOLATE THE CONFIDENTIALITY OF THE BUSINESS AND 25 OK STATUTES SECTION 307B3 WHICH ALLOWS EXECUTIVE SESSIONS FOR DISCUSSING THE PURCHASE OR APPRAISAL OF REAL PROPERTY.

Motion was made by Councilmember Shirey, seconded by Councilmember Palmer to take Item No. 7, Item No. 8 and Item No. 9 to executive session. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

Mayor Westmoreland recessed the City Council meeting at: 8:21 P.M.
Mayor Westmoreland reconvened the City Council meeting at: 9:52 P.M.

ITEM NO. 10 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CITY ATTORNEY TO CONDUCT AN INVESTIGATION INTO CLAIMS OF EMPLOYEE HARASSMENT.**

Motion was made by Councilmember Palmer, seconded by Councilmember Todd to authorize the City Attorney to conduct an investigation into claims of employee harassment. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 11 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO SUSPEND WITH PAY THE ACTING CITY MANAGER PENDING INVESTIGATION OF ALLEGATIONS.**

Motion was made by Councilmember Palmer, seconded by Councilmember Todd to suspend with pay the acting City Manager pending investigation of allegations. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 12 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO APPOINT AN ACTING CITY MANAGER UNDER CERTAIN TERMS AND CONDITIONS.**

Motion was made by Councilmember Shirey, seconded by Councilmember Moore to appoint Steve Katen as Acting City Manager. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 13 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE CITY ATTORNEY TO PROVIDE A DEFENSE FOR THE CITY IN THE CASE OF TIMBER RIDGE VS. CITY OF BETHANY, CV-18-710.**

Motion was made by Councilmember Palmer, seconded by Councilmember Moore to authorize City Attorney to provide a defense for the City in the case of Timber Ridge Vs. City of Bethany, CV-18-710. Yes votes: Westmoreland, Moore, Todd, Harris, Palmer, Herren, McCutchen, Shirey, Knapp. Motion passed.

ITEM NO. 14 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO APPROPRIATE AND TRANSFER THE SUM OF \$250,000 TO BETHANY ECONOMIC DEVELOPMENT AUTHORITY FOR PURPOSES OF ACQUIRING REAL PROPERTY TO BE USED FOR ECONOMIC DEVELOPMENT PURPOSES.**

Motion was made by Councilmember Palmer, seconded by Councilmember Todd to appropriate and transfer the sum of \$250,000 to Bethany Economic Development Authority for purposes of acquiring real property to be used for economic development purposes. Yes votes: Westmoreland, Moore, Todd, Palmer, McCutchen, Shirey, Knapp. No votes: Harris, Herren. Motion passed.

ITEM NO. 15 on the agenda was **CALL TO THE PUBLIC.**

ITEM NO. 16 on the agenda was **CITY ATTORNEY'S REPORT.**

Nothing was presented.

ITEM NO. 17 on the agenda was **CITY MANAGER'S REPORT.**

Steve Harzman, Assistant City Manager presented the City Manager's Report.

A. QUARTERLY FINANCIAL REPORT.

ITEM NO. 18 on the agenda was **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

ITEM NO. 19 on the agenda was **NEW BUSINESS.**

ITEM NO. 20 on the agenda was **ADJOURN UNTIL MAY 1, 2018**

Mayor Westmoreland adjourned the Bethany City Council meeting at 10:02 P.M. until May 1, 2018.

MAYOR

CITY CLERK